

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIAClerk
DEPUTY

UNITED STATES OF AMERICA

Magistrate Docket No. _____

Plaintiff

'08 MJ 2745

v.

COMPLAINT FOR
VIOLATION OF:
TITLE 18 U.S.C. § 1542 (Felony)
False Statement in Application and
Use of Passport

Victor Hugo VEGA-Guizar
Aka: Jose Miguel CARLOS, Jr.

The undersigned complainant, being duly sworn, states:

Count 1

On or about September 4, 2008, within the Southern District of California, defendant Victor Hugo VEGA-Guizar did knowingly and willfully use or attempt to use a passport, the issue of which was secured in any way by reason of any false statement; to wit, Defendant completed a U.S. Passport Application (form DS-11) and subsequently was issued US Passport number 500122996 in the identity of Jose Miguel CARLOS, Jr., a United States citizen born in San Diego, California on May 5, 1983, knowing full well that he was not Jose Miguel CARLOS, Jr. and not a United States citizen entitled to a U.S. Passport. Defendant then used U.S. Passport number 500122996 to apply for entry into the United States at the San Ysidro Port of Entry; in violation of Title 18 United States Code, Section 1542.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

This 5th day of Sept, 2008.

 UNITED STATES MAGISTRATE JUDGE

DCA 09/04/08 gje

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for nine years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that DEFENDANT, Victor Hugo VEGA-Guizar, used the passport secured for any reason by means of any false statement to apply for admission into the United States at the San Ysidro Port of Entry. This Affidavit is made in support of a complaint against DEFENDANT for violation of Title 18, U.S.C., Section 1542, False Statement in Application and Use of a Passport.
3. On 09/04/2008, at approximately 1530 hours, DEFENDANT presented himself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Ysidro Port of Entry, to apply for admission into the United States. DEFENDANT identified himself with U.S. Passport number 500122996, bearing identity of Jose Miguel CARLOS, Jr., DPOB 03/04/1983, California, U.S.A. and a photograph of DEFENDANT. The CBP Officer scanned the passport in the database and an alert was revealed for an arrest warrant. DEFENDANT was handcuffed and taken for secondary inspection. In secondary inspection DEFENDANT was fingerprinted revealing a criminal history record in the name Victor Hugo VEGA GUIZAR.
4. On 09/04/2008, at approximately 1535 hours, the Affiant was contacted by a CBP Officer who stated that it was suspected that DEFENDANT had assumed the identity of a US citizen.
5. On 09/04/2008, at approximately 1720 hours, DEFENDANT was retrieved from a cell in the secondary inspection area and brought to an upstairs interview room. The Affiant, assisted by another DSS Special Agent and a CBP Enforcement Officer, who also acted as translator when needed, interviewed DEFENDANT. DEFENDANT read his Miranda warning aloud in Spanish from a written copy. He indicated that he understood his rights and waived his right to counsel. He admitted that his true name was Victor Hugo VEGA-Guizar, DPOB, 07/28/1977, Michoacán, Mexico. He stated that he was a citizen of Mexico and not a citizen of the United States. DEFENDANT said that he had previously been living in the United States illegally. DEFENDANT admitted that he assumed the identity of another individual. Defendant admitted that on or about 03/08/2006 he executed a DS-11 Application for a U.S. Passport, in the identity of Jose Miguel CARLOS, Jr. at the Palmdale, CA Post Office. He admits that he was subsequently issued U.S. Passport number 500122996. DEFENDANT admitted that on 09/04/2008 he used the passport to apply for admission into the United States at the San Ysidro Port of Entry. DEFENDANT made an oral recorded statement as to the elements of the charge.
6. DEFENDANT claimed to have purchased use of the birth certificate and social security number of Jose Miguel CARLOS, Jr. for \$1,000 from an individual identifying himself as Jose Miguel CARLOS, Jr. in Los Angeles, CA.

7. On the basis of the facts presented in this probable cause statement consisting of 2 pages, there is probable cause to believe that the defendant named in this probable cause statement committed the offence on 07/28/2008 - in violation of Title 18, United States Code, Section 1542: False Statement in Application and Use of Passport - when he knowingly and willfully used or attempted to use a passport, the issue of which was secured in any way by reason of any false statement, in order to apply for admission into the United States.